

CITY OF EUREKA
CITY COUNCIL / EUREKA REDEVELOPMENT AGENCY
AGENDA

Regular Council/Agency Meeting
Tuesday, March 20, 2007
Closed Session - 5:30 p.m.
Regular Session - 6:30 p.m.
CITY COUNCIL CHAMBERS
CITY HALL - 531 "K" STREET
EUREKA

Adjourned Council/Agency Mtg.
Thursday, March 22, 2007
Closed Session - 5:30 p.m.
Regular Session - 6:30 p.m.
CITY COUNCIL CHAMBERS
CITY HALL - 531 "K" STREET, EUREKA

All persons in attendance at public meetings are requested to observe the following rules of civil debate:

1. We may disagree, but we will be respectful of one another.
2. All comments will be directed to the issue at hand.
3. Personal attacks are unacceptable.

ACCESSIBILITY NOTICE: The meeting room is wheelchair accessible. Accommodations and access to City meetings for people with other special needs must be requested of the City Clerk at 441-4175 in advance of the meeting. This agenda and other materials are available in alternative formats upon request.

ROLL CALL

CLOSED SESSION NOTE: Closed Session will commence at 5:30 p.m. with a 6:25 p.m. curfew.

A. PUBLIC COMMENT PERIOD

(Limited to 3 minutes each speaker on closed session agenda items only)

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: McFarlan Street Trail at 2330 Hillside; APN 006-302-01

Agency Negotiator: David Tyson for the City of Eureka

Negotiating parties: Robert and Melissa Grace

Under negotiation: price, terms, and conditions.

Pursuant to California Government Code Section 54956.8

C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: A portion of parcel located on Waterfront Drive and known as
Halvorsen Park: APN 002-241-011

Agency negotiator: David Tyson for the City of Eureka

Negotiating parties: Center for Environmental Economic Development
(CEED)

Under negotiation: price, terms and conditions

Pursuant to California Govt. Code Section 54956.8

D. CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Susan Christie for City of Eureka

Employee organization: Eureka Police Officers Association (EPOA),
Eureka Firefighters' Local #652 (EFL), Eureka City Employees' Association
(ECEA), and unrepresented management, mid-management, and
confidential employees.

Pursuant to California Government Code Section 54957.6

E. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Name of case: Forster-Gill, a California Corporation, and Scott Dunn v. City
of Eureka et al., Case No. CV-070218.

Pursuant to California Government Code Section 54956.9(a)

REGULAR SESSION – 6:30 P.M.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

REPORT OUT OF CLOSED SESSION

MAYOR'S ANNOUNCEMENTS

Eureka's Mayday Community Cleanup "Team Up to Clean Up"

Presentation of Proclamations:

"Sexual Assault Awareness Month" April 2007

Councilmember Larry Glass: Discussion of formation of a task force on crime, nuisance abatement, and slumlords.

Councilmember Chris Kerrigan: Public noticing requirements

Art & Culture Commission report

1. Public Hearing – Final Reports for FY 2004/2005 CDBG Planning and Technical Assistance Grant #04-PTAA-0315.

Recommendation:

1. Hold a public hearing;
2. Receive, review, accept and file final reports for the FY 2004/2005 Community Development Block Grant (CDBG) Planning and Technical Assistance Grant Award #04-PTAA-0315 in the amount of \$70,000;

(Redevelopment and Housing Director)

NOTE: This is the time for members of the public who wish to be heard on matters that do not appear on the Agenda. You may also request that a matter appearing on the Consent Calendar be pulled and discussed separately. Pursuant to City Council Minute Order dated May 4, 1989, City Council policy is to limit each speaker to three (3) minutes. Such time allotment or portion thereof shall not be transferred to other speakers. Pursuant to City Council Minute Order dated June 6, 2000, the public will be allowed to speak concurrently with the calling of an agenda item following the staff presentation of that item.

Pursuant to the Brown Act, the City Council may not take action on an item that does not appear on the Agenda.

2. Is there any person in the audience who wishes to address the Council at this time?

CONSENT CALENDAR

Notice to the Public: All matters listed under this category are considered to be routine by the City Council and will be enacted by one motion. Unless a specific request is made by a Councilmember or the public, the Consent Calendar will not be read. There will be no separate discussion of these items. However, if discussion is required, that item will be removed from the Consent Calendar and considered separately.

3. Council meeting minutes.

Recommendation: Approve the regular Council/Redevelopment Agency Board meeting minutes of March 6, 2007 and the special meeting minutes of March 12, 2007 as submitted.

(City Clerk)

4. Claims for damages – Paul Gowan (07-019, 07-020).

Recommendation: Reject the claims for damages.

(City Attorney)

5. Police Chief Employment Agreement.

Recommendation: Authorize the City Manager to execute the Police Chief At-Will Employment Agreement with Garr Nielsen.

(City Manager)

6. Adorni fee waiver for Consumer Credit Counseling “Money Mammals” Community Program.

Recommendation: Waive facility rental fees at the Adorni Center for community program presented by Consumer Credit Counseling.

(City Manager)

7. Adorni fee waiver for Red Cross 90th Anniversary Celebration.

Recommendation: Deny fee waiver request for use of the Adorni Center for Red Cross 90th Anniversary Celebration.

(City Manager)

8. Building permit fee waiver for Whimsy Association.
Recommendation: Deny request for Building Permit fee waiver for the Whimsy Garden project house at 1000 F Street.
(City Manager)
9. Mayor's appointments to boards, commissions and committees.
Recommendation: Approve the Mayor's appointments and re-appointments to boards, commissions, and committees with the following term expirations dates:
- | | | |
|---------------------------|---------------------------|------------|
| Art & Culture Commission: | Kristi Holland | 01/01/2010 |
| Art & Culture Commission: | Virginia Niekrasz-Laurent | 01/01/2011 |
| Board of Appeals: | Ross Nash | 01/01/2011 |
| Board of Appeals: | Charles Roscoe | 01/01/2011 |
| Board of Appeals: | Steve Strombeck | 01/01/2011 |
| Board of Appeals: | John Vandermolen | 01/01/2011 |
| Design Review: | Tom Binnie | 01/01/2011 |
| Finance Advisory: | Peter Hannaford | 01/01/2009 |
| Finance Advisory: | Richard Twiddy | 01/01/2010 |
| Finance Advisory: | Robert Bartley | 01/01/2011 |
| Finance Advisory: | David Ogden | 01/01/2011 |
| Historic Preservation: | Jessica Bigger | 12/31/2008 |
| Historic Preservation: | Gretchen Howard | 12/31/2009 |
| Historic Preservation: | Bill Hole | 12/31/2010 |
| Historic Preservation: | Ted Loring | 12/31/2010 |
| Housing Advisory Board: | Tim Flemming | 01/01/2011 |
| Housing Advisory Board: | Laurie Sanchez | 01/01/2011 |
| Open Space, Parks & Rec: | Larry McNeil | 01/01/2010 |
| Open Space, Parks & Rec: | Brook Sayer | 01/01/2011 |
| Planning Commission: | Chet Albin | 01/01/2011 |
| Planning Commission: | Ron Kuhnel | 01/01/2011 |
- (Mayor)
10. California Regrant Project for Local Governments and Historical Records Repositories grant.
Recommendation: Accept the grant from the California Historical Records Advisory Board (CHRAB) to conduct a needs assessment feasibility study, complete an inventory of historical records and develop an historical records preservation program.
(City Clerk)

11. Request for exception to the hiring freeze – Harbor Maintenance Supervisor.

Recommendation: Approve the exception to the hiring freeze for the Harbor Maintenance Supervisor position, which is already included in the FY 06/07 budget.

(Personnel Director)

12. Purchase of SWAT equipment using donated funds.

Recommendation: Approve purchase of SWAT equipment using donated funds from Target, previously accepted by City Council.

(Interim Police Chief)

13. 2007-2012 Five Year Capital Improvement Program.

Recommendation: Receive and file the City of Eureka 2007-2012 Five-Year Capital Improvement Program.

(City Engineer)

14. Resolution authorizing submission of I-Bank application for “C” Street & Market Square Public Improvements Project.

Recommendation: Redevelopment Agency Board adopt resolution authorizing submission of an application to the California Infrastructure and Economic Development Bank (I-Bank) for financing of the “C” Street and Market Square Public Improvements Project.

(Redevelopment & Housing Director)

15. Local Owner-Occupied Deferred Payment Loan Increase request from Judy Mahony; 3240 K Street, Eureka.

Recommendation: Authorize a deferred payment, \$10,000 LOCAL Loan Increase at 3% interest, due upon transfer of title, sale, or change in occupancy, or expiration on 12/1/2013, contingent upon approval of the project by the Building Department and increased hazard insurance coverage to \$76,000 for the purpose of providing emergency fire damage repairs to Ms. Mahony’s residence at 3240 K Street.

(Redevelopment & Housing Director)

16. 2007 CalHome Owner-Occupied Rehabilitation Grant Program Application.

Recommendation: Authorize staff to prepare a 2007 CalHome Owner-Occupied Rehabilitation Grant Program Application.
(Redevelopment & Housing Director)

17. Request for additional funds for Eureka Redevelopment Agency First Time Homebuyer Program Funds.

Recommendation: Appropriate an additional \$480,000.00 from the Low and Moderate Income Housing Fund (LMIHF) reserves into the current fiscal year's budget and amend the First Time Homebuyer Loan Agreement dated April 25, 2006, to reflect the increase in funds.
(Redevelopment & Housing Director)

ORDINANCES/RESOLUTIONS

18. Eureka Municipal Code clean-up amendments.

Recommendation: 1. Waive reading, read by title only, and adopt Bill No. 722-C.S., "Ordinance amending Eureka Municipal Code Title 15, Chapter 154: Subdivision Regulations, Chapter 155: Zoning Regulations, and Chapter 156: Coastal Zoning Regulations";
2. Adopt resolution: "A Resolution of Transmittal of the City Council of the City of Eureka Transmitting the Eureka Municipal Code Clean-up Amendments to the California Coastal Commission for an Amendment to the Implementation Plan of the Adopted and Certified Local Coastal Program."
(Community Development Director)

REPORTS/ACTION ITEMS

19. McFarlan Street Trail.

- Recommendation:
1. Authorize the City Manager to negotiate and execute an agreement with Robert and Melissa Grace to purchase the McFarlan Street Trail right-of-way with the following terms and conditions:
 - City to acquire the right-of-way (ROW) and improvements, comprising approximately 230 feet in length for \$20,000 (\$10,000 to be paid upon the signing of a purchase agreement and \$10,000 on July 2, 2007);
 - City will assist, if necessary, in the processing of City permits and will waive any required fees for the construction of a fence by Grace;
 - City will maintain the fence separating the City's ROW and the Grace residence;
 - City will be responsible for maintaining the ROW;
 - City will restrict access to the ROW to pedestrian and bicycle use only.
 2. Appropriate \$10,000 from General Fund Reserves to fund the initial payment.
(City Manager)

20. H.H. Buhne Warehouse Disposition.

- Recommendation:
1. Receive a status report on the disposition of the H.H. Buhne Warehouse;
 2. Provide direction regarding disposition of the H.H. Buhne Warehouse.
(City Engineer)

21. Coastal dependent industrial property located on the water side of Waterfront Drive, westerly of the Eureka Small Boat Basin; upland portion of APN 003-062-021.

Recommendation: 1. Consider whether to suspend the Rules of Conduct pursuant to Rule 5.6 to allow for reconsideration of action taken in closed session February 6, 2007;
2. If the decision outlined in number one above is affirmative, proceed to consider whether to initiate reconsideration under Rule 5.8;
3. Take public comment, discuss, and provide direction to staff.
(Redevelopment & Housing Director)

22. 2006-07 Budget Update Mid-Year Financial Report.

Recommendation: 1. Receive and file the Mid-Year Budget Update Report for Fiscal Year 2006-07;
2. Consideration and approval of Mid-Year Budget Adjustments.
(Finance Director)

23. 2005-2006 Comprehensive Annual Financial Report.

Recommendation: Receive and file the Comprehensive Annual Financial Report for the Fiscal Year ending June 30, 2006; the Component Unit Report for the Eureka Redevelopment Agency; Eureka Public Financing Authority Financial Statements; the Single Audit Report and the Auditor's Management Letter.
(Finance Director)

CITY MANAGER/EXECUTIVE DIRECTOR'S REPORTS

ADJOURNMENT *NOTE: If open session items cannot be completed by 10:00 p.m., the meeting will be continued to the adjourned regular meeting on the following Thursday, as noted above on the heading of this agenda.*

If closed session items cannot be completed by 6:25 p.m., they will be continued at the conclusion of the regular agenda, provided there is time. If time does not allow then those closed session items will be continued to the adjourned regular meeting on the following Thursday, as noted above on the heading of this agenda.